

1982 WL 189503 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 13, 1982

*1 Deborah C. Westbrook, Esq.

Assistant County Attorney

14-A Courthouse Annex

Greenville, South Carolina 29601

Dear Ms. Westbrook:

You have asked the opinion of this Office on the following questions:

1. May the Greenville County Council adopt an ordinance providing for the nonpartisan election of council members without affecting the election of other officials?
2. May the Council adopt an ordinance requiring nonpartisan offices to be placed at the beginning of the ballot?

The power to enact legislation on election matters is vested in the General Assembly by [Article II, Section 10 of the South Carolina Constitution](#). Pursuant thereto, the General Assembly has provided only three methods for county council candidates to be nominated to be placed upon the ballot: (1) political party convention; (2) political party primary; and (3) petition. [Sections 7-1-40, 7-11-70, 7-13-350, Code of Laws of South Carolina](#), 1976, as amended. There is no statutory provision that authorizes nonpartisan elections for county council candidates or that empowers county councils to provide therefor.¹ Op. Atty. Gen., April 14, 1981, to Kenneth G. Goode, Esquire, [copy enclosed].

The form of the ballot, including that for county council elections, is controlled by Sections 7-13-310 to 7-13-450. These statutes do not permit a county council to determine the order of the ballot.

It is the opinion of this Office that the statutory and constitutional provisions cited hereinabove preclude a county council from adopting ordinances providing for the nonpartisan election of council members or requiring nonpartisan offices to be placed at a certain place on the ballot.

Sincerely,

James M. Holly

Assistant Attorney General

Footnotes

- 1 Municipalities may opt for nonpartisan council elections pursuant to the express authorization contained in Sections 5-15-60 to 5-15-63.

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